G. R. S. IX-5]

Previous references.

Reserve

1918-19

(Courts.)

File No. 25-18

Serial Nos. 165

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 165

Part B for August 1918

SUBJECT.

Extradition of Bedar Khuja accused of Murder under Sec: 302 of the I.P.C. Code

No. 5. To. The Dt: Magte. Kolar

No. G. 3962 dt 23-8-1918.

States that the Residency cannot be moved for an extradition warrant as no prima facie case has been made out against the accused.

W D 88—GPB—50,000—24-7-16

27/8/18

G. R. S. 11] 1918.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 25-18

FILE HEADING.

Extradition of Bedar Kadaiya, accused of murder under Section 302 of the I. P. Code

From

The District Magistrate of Kolar

No. Jc 44	Dated 13.7.18	Received 18/19.7.18
Diary No. 1133	Enclos. 1+ cuttings Spare Copies. -	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards the records of preliminary enquiry in cr: case no. 66 of 1917 in the file of the Sub-Division of Srin & 1st class Magte of ~~Chikkanayakanahalli~~ Chickballapur in which one Kadaiya & 4 others are implicated & requests that the Residency may be moved to issue an extradition warrant for the surrender of Kadaiya under remand by the Taluk Magte of Madanapalli

NOTES AND ORDERS.

Draft Subd.

KV. 19/7 The facts of the case are these: One Venkata Narappa is ~~Sandra~~ a Toddy contractor hgt his village Mandumarahosahalli, Sidlaghatta Taluq, & attends his excise Sale at the Taluq headquarters on Friday morning about 2 hours ago

NOTES—First Sheet.

General and Revenue Secretariat. | 15 File No. 25 of 1918-19

Serial No.

and has not been seen again. He did not turn up for a few days, a search was made and a skeleton was found near the road. The wife is reported to have identified it from a few rags as that of her husband. The accused the deceased and said to have been on inimical terms, called him with him person against whom criminal proceedings were seen in Siddapatta. Kadaraja under remand was seen with Pallia Rama when he had to go & took the loan of a machu from one Kadaraja. It was afterwards found to have human blood. This is all the evidence in the case. The medical evidence shows that it is not possible to say whether the bones produced belonged to a male or a female. under the circumstances, the question of identification is impossible to be established there is no proof grounds, and it is not also elicited whether the owner desired to use the machu for the purpose to which it is produced. But whatever may be the evidence in the case, there is absolutely no against the person under remand except that he was found with Pera who took a loan from machu. The evidence does not seem to be enough to connect

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-6-16—S.

WD 1233—GPB—60,000—1-12-16—

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 25 of 1918-19

Serial No.

Also Reading with any mud on which itself is doubtful. If approved, further evidence will be called.

SS 29/7

First Member

28/7/18 23.7

VP

CCM

2 To The Dt Magte 23/7

Kolar

Issue SS 24/7

No G 2145 of 27.7.18

Requests that further evidence in the case may be addised if an application for the Surrender is to be made

Issue B for 2 months

29/7

3 From The Dt Magte Kolar

No Jel 8/ 19.7.18

Requests immediate orders as the remand expires on the 23rd

4. From the Dt magte Kolars Dt.

Ref J.C 125 / 18-19 of 18-8-18

Forwards the records with the additional evidence called for in Sl 2.

Subd If approved with the original draft to the J. C Resident for approval or other orders Remand period expires on the 23rd inst.

8/8/1918.

NOTE—Contn. sheet.

G. R. S. III-2)

General and Revenue Secretariat.

C5 File No. 25 of 1918.

Serial No.	
	The further evidence adduced in the case does not help much in committing the accused either any offence. It is a point for the Govt whether sanction for the Resident may be accorded for an extradition warrant.
	Govt 20/8
	First Member / Chairman / There is no evidence worth the name to commit the case. The warrant issued by the Resident cannot be granted, under the circumstances.
	Govt 20/8/18
	Draft
	Govt 20/8
	Draft Sanctioned.
	Govt 20/8
	Govt 20/8
5	To The District Magistrate Kolar No. G. 3962 Of 23-8-18 States that the Residency cannot be moved for an extradition warrant as no prima facie case has been made out against the accused.

24/8/18

NOTE—Contn. sheet.

GEN. & REV. SECRETARIAT III JUDICIAL 19 JUL 1918

Ref. G.C 44 1879
GEN. & REV. SECRETARIAT I REVENUE. 18 JUL 1918

G. II-33
Court
25-18
1

District Magistrate's Office,
Kolar District,
Dated Kolar, the 12th July 1918.
13

From

B. Venkoba Rao, Esq., B.A.,
District Magistrate, Kolar District.

To

S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of Mysore,
BANGALORE.

Sir,

I have the honor to submit herewith the entire records relating to preliminary enquiry for the extradition of accused Kadariga concerned in C.C.No.66/C.Mis.C.79 of 1917-18 on the file of the Sub -- Division Officer and 1st Class Magistrate, Chikballapur, and to request that a reference may kindly be made to the Honourable the British Resident in Mysore for the issue of an extradition warrant for the surrender of the accused Kadariga to the Police of Sidlaghatta for trial.

2. The case under reference is one of murder in which the accused Kadariga whose surrender is saught for and four others named on the margin have been implicated. Kadariga had absconded and has eventually been arrested within the limits of Madanapalli Taluk, His Majesty's territory and remanded to custody by the Taluk Magistrate of Madanapalli on the 22nd Ultimo.

1. Venkatraya.
2. Venkatraya.
3. Pattar Rama.
4. Akkaya.

3. Briefly stated, the facts of the case are these:-

The deceased one Venkatanarappa was an agriculturist and Toddy Contractor residing in Nandanahosahalli, Sidlaghatta Taluk. He was keeping one Akkaya one of the accused and the sister of the 1st accused

W.D. 0244—GPB—6,00,000—19-5-15—S.

191 09048

From

The District Magistrate,
Kolar District.

To

The Chief Secretary to the
Government of Mysore,
Bangalore.

Dated 12th July 1918.

Despatched

Received

General No. 03804

No.

Enclosure No.

Requesting that a reference may kindly be made to the Hon'ble the British Resident in Mysore for the issue of an extradition warrant for the surrender of the accused Kadaraja to the Police of Sealdah for trial.

Venkatraya, a rival Toddy Contractor. Regarding the lease of certain Toddy Shops jealousy existed between the two contractors. Venkatraya had outbid the deceased in the last year's Excise Sales and the deceased was on his way to the current year's sales, determined to outbid the accused Venkatraya, when he appears to have been murdered. There was also bad blood between the deceased and his -- wife on the one side and the deceased's concubine on the other. There was also an immediate quarrel between the deceased and the accused Venkatraya and Akkaya regarding a land near Royalpad.

On the 3rd May 1918, the accused Venkatraya, accused -- Kadariga now under remand who is different from P.W$_3$. Kadariga and accused Pattar Rama went to the Kapile well of P.W.3. Kadariga and there accused Rama took a loan of the 'Machu' belonging to Kadariga in the presence of P.W.4. Rama. Soon after, all the accused were seen by P.W.5. Hussain Sabi in the house of accused Venkatraya.

In the meantime, the deceased also started on horse-back to the Excise Sales, with the resolution to outbid Venkatraya. -- (accused). As he did not return for a few days, an alarm was --- caused and the wife of the deceased arranged for search. It was found out that the pony of the deceased was in the cattle pound at Ganjigunte. Suspecting foul play, the search parties went on enquiring and in the end the skeleton and the blood-stained clothes of the deceased were discovered and identified. A complaint was -- made to the Police and the Amildar investigated into the case and placed a Charge sheet before the 1st class Magistrate, Chikballapur

The 'machu' was seized and is certified to contain --- mammalian blood.

4. There is thus some evidence for enquiry against accused Kadariga of complicity in the offence. He is a resident of Motamakalpalli, Sidlaghatta Taluk, and steps may kindly be taken to secure his surrender.

(7

3.

The usual application for extradition is enclosed.

I have the honor to be

Sir,

Your most obedient servant,

District Magistrate,
Kolar District.

Application for a warrant under Act XV of 1903, the Foreign Jurisdiction and Extradition Act.

1. Officer to whom the warrant should be issued.	District Magistrate, Chittoor.
2. The Magistrate of the District he wants the warrant to be issued.	The District Magistrate, Kolar.
3. Name and Description of accused person.	Bedar Kadariga.
4. Where or under whose custody the accused person is supposed to be.	At Madanapalli under a remand granted by the Taluk Magistrate of Madanapalli.
Name of the offence committed and section of the Indian Penal Code under which the accused is charged.	Murder under Section 302 Indian Penal Code.
Officer to whom the accused should be surrendered	Police Inspector Sidlaghatta.
Place at which the accused be delivered up.	Sidlaghatta.
6. Whether the accused is a British subject, a subject of Mysore or to which State he belongs.	Known to be a subject of the Mysore State being a resident of Motamakalpalli in the -- Sidlaghatta Taluk.

Bangalore Kolar
the 12th July 1918.

District Magistrate,
Kolar District.

G. R. S. VI—G/32

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Courts
File No. 25-18
Serial No. 2

GENERAL AND REVENUE SECRETARIAT,
( )
, the *191* .

NO. G 2145 Mullaitivu

Date of issue 27.7.48

Signed by Mr E S Lee

To

The District Magistrate of
Kalar

Sir,

Adverting to your letter
no. J.C. 44 of the 13th instt regarde
the extradition of Bedar Kadaiya
accused of murder under Section 3
of the I. P. Code, I am directed to sta
that the evidence against the
accused is only that he was seen with
Rama when the sickle was
borrowed and subsequently on

Over

25

(10

Friday morning with Pattar Rama, Venkataraya & others and beyond this there is no other Evidence.

2. There seems therefore to be no prima facie case against him. I am therefore to request that further evidence ~~showing~~ implicating him in the said case may be adduced if an application for his surrender ~~should~~ is to be made.

3. The records received with letter under reply are herewith return for ~~reference~~ Evidence

I have etc
Ss 21/7
For Chief Secy

21/7/18

List of enclosure

W

Copied by

Examined by

WD 86—GPB—60,000—15-11 16

C. 3/9/18

POSTS TELEGRAPHS

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.

Rs.	As.
2	3

Office Stamp

19 AUG 18 BANGALORE

Please prefix to Tel. No. 1910

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Bellary	19	7	31		9

Recd. here at 7/47 H. M.

SECRETARIAT
III
JUDICIAL
19 AUG 1918

Chief Secretary
Bangalore

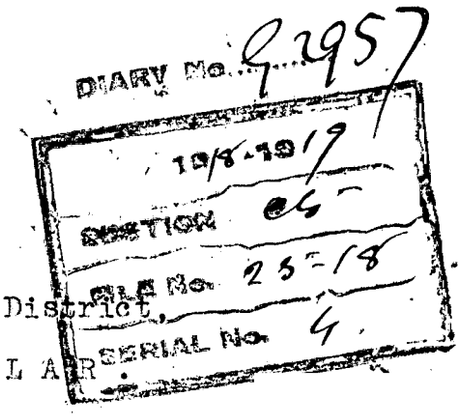
Extradition Records sent
Muddam Sudhagatta murder
Case Remand expires 23rd
future order immediate
action = Extract
Inspector

N.B.—The name of the Sender, if telegraphed, is written after the text.

Bel Grand & Sons—4703—17-12-17—1g(),800 Rks. (Edn. II).

No. Ref J.C. 125 / 1918-19
Sric. 1 file of records.

Office of the District Magistrate,
Kolar District,
Dated, Kolar, 18th August 1918.



From

12360

B. Venkoba Rao, Esq., B.A.,
District Magistrate, Kolar District,
K O L A R.

To

C.S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Governmer
of Mysore, Bangalore.

Sir,

Adverting to your letter No.G.2145/ Cts.25-8-2 dated the 27th ultimo, returning with certain observations, the records relating to extradition proceedings in Cri. Mis. case No. 79 of 1917-18, on the file of the Sub Division Officer and First Class Magistrate, Chikballapur, I have the honor to retransmit the record, received here yesterday with the additional evidence recorded by the First Class Magistrate as suggested in the letter under reply.

2. Now, four more witnesses have been examined. From the further evidence on record, it is seen that P.W. 6 had a long conversation with the 3 accused persons, who appeared to be inquisitive about the deceased going along that road and that soon after their departure, the deceased was seen riding on his horse and going in the same direction as the accused did. The horse has been identified by the witness as being the animal ridden on by the deceased. Kadariga the accused, whose surrender has been sought for, has also been identified at Madanapalli by the P.Ws., 6, 7 & 8, as one of the persons whom they saw on a previous occasion.

3. P.W. 9, the Police Jamadar who got arrested the accused,

Kadariga

Kadariga in His Majesty's Territory speakes to having found blood stains on the cloth worn by the accused.

4. Thus, it is clear that accused Kadariga was also concerned in the commission of the murder. There is in my opinion a prima facie case against him to justify the making of an application for his surrender, and as the maximum limit of remand of 2 months expires on the 23rd instant, I beg that immediate action may be taken in the matter. If the suggestion commends itself to you, the Hon'ble the British Resident, in Mysore, may be moved to kindly issue telegraphic instructions, pending formal official communication to the District Magistrate of Chittor in view of the urgency of the case, as in all likelihood, the accused may be released on the 23rd instant from the Madanapalle Sub Jail.

I have the honor to be,

S i r

your most obedient servant,

District Magistrate,

Kolar District.

BVS.

G. R. S. Vl—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to .. ..

GENERAL AND REVENUE SECRETARIAT

( )

, the *191* .

Date of issue 23-8-18

Signed by Asst G.S. Iyer

Section Courts

File No. 25-18

Serial No. 5

No. G 3962/Revs 1/18
9 records.

To

The District Magistrate
Kolar Dist

Sir

With reference to correspondence ending with your letter no. Rep J.C 125/18-19 dt 18th Aug. 1918, Regarding the extradition of Bedar Kadaraya, I am directed to state that the Residency cannot be moved for an extradition warrant as no prima facie case

over.

(15-

has been made out against the accused.

2. The enclosures received with your letter are herewith returned.

I have etc.

B
21/7
For chief Secy.

360
20/8.
d
20/8

List of enclosures.

Copied by

Examined by

W D—G P B—(C 000—15-11-16